ETHICS - GROUP DISCUSSION TOPICS

What would you do in the *following situations?*

1. An attorney asks you to explain the rights to her client while she is speaking with another client.

2. The defendant's attorney leaves and the defendant asks you what you think of his attorney.

3. The judge asks the defendant if he gives up his right to a trial and the defendant whispers to you in his language, "What should I say?"

4. During the course of a trial, the defense attorney asks you how you think the trial is going.

5. The judge asks the defendant if she has had any drugs or alcohol in the last 24 hours. She says, "No." You almost faint from the alcoholic stench.

6. You are interpreting at the witness stand and the witness uses a word you do·not understand.

7. You hear a colleague make a mistake while interpreting at the witness stand.

8. The judge asks you to go out to the hallway to speak with the defendant about his case.

9. During a trial, you overhear some jurors discussing the case, a direct violation of the Court's admonition not to do so.

10. You realize that you made a mistake in translation after you leave the witness stand.

11. During the course of a trial, the defense attorney asks you if you think his client is guilty.

12. The judge is speaking to a defendant. The judge's language is so sophisticated that you are sure the defendant wouldn't understand a word if you translated it on the same level.

13. After the judge sentences a defendant to a rather stiff fine, you hear the defendant say under his breath, "You bastard!".

14. You are the interpreter for a rape victim who gives the court explicit details of the rape incident using the most vulgar language you could possibly imagine while on the witness stand.

15. The judge in a case, after introducing herself, advises all bilingual jurors to check on the interpreter's skills. During the testimony of a witness, one of the jurors raises his hand and advises the court that he is in total disagreement with the interpreter's rendition of what was said.

16. After working very long hours preparing a witness, the attorney in in question tells the interpreter the following: "He's going to say this, and I want you to use the specific word when he reaches that part of the testimony."

    Example -_A dentist is accused of murdering his neighbor over a parking space dispute. The dentist's wife, angered by the incident, yelled at her armed husband (in Spanish) "Tirale, tirale, tirale." However, the attorney, knowing that this testimony is detrimental to his client's case asks the interpreter to give the following rendition: "'Throw it away, throw it away, throw it away."

17. An interpreter whose services have been requested walks into the courtroom and is directed to the defendant who ·supposedly speaks no English. As soon as the interpreter introduces himself to the defendant, the defendant advises the interpreter that his services will not be needed because he (the defendant) is fluent in English. The judge hears the defendant's utterance and asks that the interpreter state for the record what has been said. However, the defense in this case is based on the fact that the defendant spoke no English at the time his Miranda rights were being read by the officers and that he was interviewed without the benefit of an interpreter present.

18. During voir dire of a jury panel, the interpreter realizes there is a juror he knows very well. However, this juror decides not to acknowledge the interpreter and, when asked by the attorneys, says nothing about knowing the interpreter.

19. You are called to interpret a plea colloquy. The judge on the bench has a very limited knowledge of the source language you are interpreting and decides this is the day she is going to put her knowledge to the test. The defendant for whom you are interpreting is a very expressive person who uses a lot of hand gestures. He (the defendant) is telling you, while pointing at his stomach, that he had a gut feeling about something ...you correctly interpret "gut feeling," but the judge, seeing the gesture made by the defendant, decides that you misinterpreted what was said, because the defendant was pointing at his stomach.

20. You are called to interpret for the defense attorney during an attorney/client confidential meeting. After you are through with the interview, the attorney asks you to stick around a little bit longer because he would like your honest opinion about his client. He really would like to know whether his client is telling the truth, or not.

21. You are called to interpret a deposition *of* a witness who is extremely recalcitrant about testifying. The witness in this case is a native of Puerto Rico but now a U.S. citizen. The attorney deposing the witness gets frustrated at the witness' lack of

response to each question asked and threatens to call the Immigration & Naturalization Services to have him deported.

22. You have been working countless hours on a particular case as an interpreter. You almost know by heart all the details concerning the case, as well as all questions and answers that will be presented to the jury. However, on the day of the trial, the witness decides to change positions, if not the whole testimony.

23. You are the interpreter at an initial appearance. The defendant has no attorney, and the judge has just left the bench. Suddenly, the defendant turns to you and whispers, frantically, that he's going to escape. "Don't tell anyone, please, but I have to escape. The minute I hit the doorway, I'm going to run for it!" What should you do?